

UNITED STATES DISTRICT COURT

for the
Western District of Texas**FILED**

June 10, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America)

v.)

Dustin Lee Harris)

Steven Robert Westfall)

Timothy Galen Tolbert)

Brandon Shane Wooten)

Case No. 7:21-MJ-233

BY: M. Ramirez
DEPUTY*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2, 2021 in the county of Ector in the
Western District of Texas, the defendant(s) violated:*Code Section*

21 USC 846

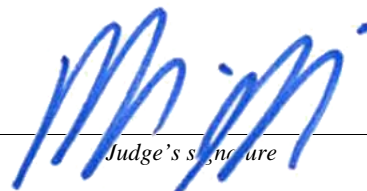
*Offense Description*Conspiracy to Possess with Intent to Distribute 50 Grams or More of Actual
Methamphetamine

This criminal complaint is based on these facts:

See attached

☒ Continued on the attached sheet.Attested to by applicant pursuant to Rule
4.1 of Fed. R. Crim. P. by phone & email./s/ Gerardo Ornelas*Complainant's signature*Gerardo Ornelas, DEA, Task Force Officer*Printed name and title*

Sworn to before me and signed in my presence.

Date: 06/10/2021City and state: Midland, Texas*Judge's signature*U.S. Magistrate Judge Ronald C. Griffin*Printed name and title*

AFFIDAVIT

7:21-MJ-233

1. I, Gerardo Ornelas, Task Force Officer (TFO), Drug Enforcement Administration (DEA), United States Department of Justice, being first duly sworn, deposes and states as follows:

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 3053. I have been employed as a Deputy Sheriff with the Ector County Sheriff's Office for approximately nine years. For the first four years I was assigned to Patrol Division. For the past five years I have been assigned as an investigator investigating narcotics and vice offenses. I am currently assigned to DEA as a Task Force Officer investigating narcotics and vice offenses. I am currently assigned to the investigation of Dustin Lee HARRIS, Steven Robert WESTFALL, Timothy Galen TOLBERT, and Brandon Shane WOOTEN regarding the accusation that he committed an offense against the United States, namely, Conspiracy to Possess with Intent to Distribute 50 grams or More of Actual Methamphetamine, in violation of 21 United States Code, Section 846.

3. The sole purpose of this affidavit is to establish that there is probable cause to believe that Dustin Lee HARRIS, Steven Robert WESTFALL, Timothy Galen TOLBERT, and Brandon Shane WOOTEN engaged in specific criminal activity. This affidavit is made, in part, on the personal knowledge derived from participation in this investigation and, in part, upon information and belief. The source of information and belief are: oral and written reports about this investigation that have been received, either directly or indirectly from other local law enforcement officers. This affidavit does not contain all information known to law enforcement officers concerning this matter.

4. Except where otherwise noted, the information set forth in this Affidavit has been provided to me directly or indirectly by local law enforcement officers. Unless otherwise noted, whenever in this Affidavit I assert that a statement was made, the information was provided by another law enforcement officer (who may have either direct or hearsay knowledge of the statement) to whom I have spoken or whose reports I have reviewed. Similarly, information resulting from surveillance, except where otherwise indicated, does not set forth my personal observations, but rather has been provided directly or indirectly through other law enforcement officers who conducted such surveillance.

FACTUAL BASIS OF COMPLAINT

5. On Tuesday, May 25th, 2021 the Ector County Sheriff's Office (ECSO) along with the Drug Enforcement Administration (DEA) conducted a controlled purchase from Timothy Galen TOLBERT at his residence which he was currently occupying. The location of the residence is 2411 N. Rebecca, Odessa, Ector County, Texas. The DEA utilized an Ector County Sheriff's Office CS to make this purchase. The CS made arrangements with TOLBERT to purchase two (2) ounces of methamphetamine.

6. The CS was advised by TOLBERT that he would be able to provide this amount of methamphetamine and to show up at his residence located at 2411 N. Rebecca. The CS was searched by law enforcement of their person as well as their vehicle for contraband prior to the meeting with TOLBERT. The search yielded negative for contraband.

7. The CS was provided with Official Advanced funds (OAF) for the controlled purchase. The CS then responded to 2411 N. Rebecca and met with TOLBERT in the residence. Surveillance was conducted on the CS from the predetermined location to TOLBERT's residence. The CS was able to purchase approximately 58.7 grams of methamphetamine from TOLBERT.

8. Following the purchase law enforcement continued surveillance on the CS and met back with the CS and recovered the purchase methamphetamine. The CS was kept under constant surveillance to and from the controlled purchase. The CS was again checked by law enforcement of their person as well as their vehicle for contraband after to the meeting with TOLBERT. The search yielded negative for contraband.

9. The methamphetamine was field tested following the purchase utilizing TruNarc. Based on the training and experience of the DEA controlling agents, they believe the purchased substance to be methamphetamine.

10. On Thursday, May 27th, 2021, U.S. Magistrate Judge Ronald C. Griffin issued a federal search warrant for the residence of TOLBERT, located at 2411 N. Rebecca Street, Odessa, Ector County, Texas.

11. On Wednesday, June 2nd, 2021, the ECSO and DEA MRO conducted surveillance on TOLBERT's residence. TOLBERT was seen leaving the residence. DEA TFO Gerardo Ornelas observed TOLBERT failing to signal his intent to turn onto W. University from Moss. A traffic stop was conducted for the said violation. TFO Ornelas contacted TOLBERT who was the driver of the vehicle. ECSO Investigator Tommy Hain contacted the front passenger identified as Brandon Sean WOOTEN.

12. TOLBERT was asked to step out of the vehicle where he was detained pending further investigation. A search of TOLBERT was conducted and no contraband was located. WOOTEN was asked to step out of the vehicle at which time he complied. WOOTEN's person was searched due to Investigator Hain seeing a large clear plastic sandwich type bag sticking out of WOOTEN's hoodie pocket. Investigator Hain noticed a crystal like substance believed to be methamphetamine inside the clear plastic bag. WOOTEN stated the substance was methamphetamine. WOOTEN had approximately 199 gross grams of methamphetamine on his person. Both TOLBERT and WOOTEN were detained pending further investigation of the search warrant.

13. WOOTEN was transported to the ECSO LEC and held in a holding cell pending outcome of the investigation. TOLBERT was transported back to his residence. ECSO and DEA

executed the search warrant at TOLBERT's residence. During the search of his residence, law enforcement located approximately 2,266.7 gross grams of methamphetamine as well as six firearms were all seized. Also located in the residence was multiple different narcotics besides the methamphetamine. It should be noted that TOLBERT is a federally convicted felon and is not allowed to possess a firearm.

14. TOLBERT was detained and read his Miranda Warnings by Task Force Officer (TFO) Gerald Ornelas as witnessed by Special Agent (SA) Jaye Johnson. TOLBERT advised that he understood his rights and agreed to speak with law enforcement.

15. TOLBERT stated that he has been distributing methamphetamine since March of 2021 in Odessa, Texas. TOLBERT stated that he has been obtaining his methamphetamine from two males identified by TOLBERT as Dustin Lee HARRIS and Steven Robert WESTFALL. TOLBERT stated that he obtains the methamphetamine directly from HARRIS at, 3952 E. 42nd Street, Odessa, Ector County, Texas. TOLBERT and WOOTEN were arrested on state charges at that time with a federal hold.

16. Due to the information given by TOLBERT on the same date, U.S. Magistrate Judge Ronald C. Griffin issued a federal search warrant for the location at 3952 E. 42nd Street, Odessa, Ector County, Texas.

17. Surveillance was conducted at the mentioned above location. WESTFALL was seen going in and out of the back of the business and vacant office space. Surveillance also was conducted at HARRIS's residence. HARRIS was seen leaving the residence and a traffic stop was conducted. HARRIS was detained and advised of the situation. HARRIS agreed to cooperate with law enforcement. HARRIS was given his Miranda Warnings by Investigator Hain. HARRIS agreed to cooperate and contacted WESTFALL by phone to leave the business and walk down the street to meet with him. WESTFALL agreed and left the business area. ECSO TRT intercepted WESTFALL and detained him pending further investigation.

18. ECSO TRT and DEA MRO executed the federal search warrant for the business office space. During the search of the business space, law enforcement located approximately 35 pounds of methamphetamine, approximately 14 different firearms, and a large quantity of U.S. Currency were located and seized. HARRIS's still agreed to cooperate and speak with law enforcement. HARRIS stated that he has been selling, and shipping methamphetamine around the world. HARRIS stated he has been selling methamphetamine for approximately one year. HARRIS stated WESTFALL assisted him in packaging the methamphetamine and shipping the methamphetamine off to where it was needing to go.

19. HARRIS stated WESTFALL would go to California to meet with the supplier who was connected to the Sinaloa Cartel with him. HARRIS stated WESTFALL was his main guy who assisted him in selling and buying methamphetamine. HARRIS stated they are getting approximately 30 to 60 pounds on two separate occasions. HARRIS stated WESTFALL went to meet with the supplier this last time and mailed the methamphetamine back to Odessa. HARRIS

stated he had a local individual who was TOLBERT that was getting from one to two kilos of methamphetamine a week from him. HARRIS stated TOLBERT would pay approximately \$10,000.00 at a time for the methamphetamine. HARRIS and WESTFALL were arrested at that time and placed into the ECSO LEC with a federal hold.

20. DEA TFO Gerardo Ornelas contacted AUSA Monica Daniels in consideration of federal prosecution of HARRIS, WESTFALL, TOLBERT and WOOTEN. AUSA Daniels agreed to prosecute HARRIS, WESTFALL, TOLBERT and WOOTEN on the federal level in the Western District of Texas.

FEDERAL CRIMINAL VIOLATIONS

21. On Wednesday, June 2nd, 2021, Dustin Lee HARRIS, Steven Robert WESTFALL, Timothy Galen TOLBERT, and Brandon Shane WOOTEN, did conspire to possess with intent to distribute 50 grams or more of actual methamphetamine. If convicted, HARRIS, WESTFALL, TOLBERT, and WOOTEN face a minimum ten (10) years of imprisonment, up to life imprisonment, a five year minimum term of supervised release, up to life of supervised release, a ten million dollar fine, and a \$100 special assessment.

_____/s/ Gerardo Ornelas_____
Gerardo Ornelas, Task Force Officer
Drug Enforcement Administration

Attested to by applicant pursuant to Rule
4.1 of Fed. R. Crim. P. by phone & email.

Sworn and Subscribed before me this 10th day of June, 2021



United States Magistrate Judge
Ronald C. Griffin